

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:06CV42-V-02
(5:03CR46-1-V)

AMANDA JANE DURHAM,)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Defendant.)	
_____)	

THIS MATTER comes before the Court on the petitioner's Motion to Vacate, Set Aside, Or Correct Sentence under 28 U.S.C. §2255, filed March 17, 2006.

By the instant Motion to Vacate, the petitioner alleges that she is entitled to relief on her sentence due to the ineffective assistance she received from her second trial attorney at various stages of her criminal prosecution. Although it is far from clear whether the petitioner will be able to demonstrate her entitlement to such relief, the Court finds that the United States Attorney should be required to respond to the petitioner's allegations. Therefore, the government will be directed to file a response to the subject Motion as provided below.

NOW, THEREFORE, IT IS ORDERED:

1. That within forty (40) days of the date of this Order, the United States Attorney shall file an answer or other appropriate response to the allegations set forth in the

petitioner's Motion to Vacate.

2. That the Clerk shall send a copy of this Order to the petitioner and to the United States Attorney.

SO ORDERED.

Signed: April 21, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
Chief United States District Judge

